

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 1229 - SB 1163

March 14, 2021

SUMMARY OF BILL: Authorizes the Joint Government Operations Committees (Committees) to recommend the Attorney General (AG) review the constitutionality of an executive order issued by the President of the United States if the order has not yet been signed into law.

Prohibits a state agency, political subdivision, or employee of the state or a political subdivision to implement an executive order that restricts a person's rights or that is determined by the AG to be unconstitutional if the order relates to: a pandemic or public health emergency, regulation of natural resources, agriculture, land use, financial sector through environmental or social standards, or the constitutional right to keep and bear arms.

ESTIMATED FISCAL IMPACT:

Other Fiscal Impact – Federal funding may be jeopardized if state or local agencies are prohibited from complying with federal guidance that derives from an executive order that either restricts a person's rights or is found by the Attorney General to be unconstitutional. Due to multiple unknown factors, the timing and amount of any such jeopardy, or the specific funds that may be jeopardized cannot be determined with reasonable certainty.

Assumptions:

- The AG can review the constitutionality of an executive order by request of the Committees within existing resources.
- The Committees meet throughout the year; therefore, no additional meetings or travel expenses will be required for review of federal executive orders.
- Prohibiting a state agency, political subdivision, or employee of the state or a political subdivision from implementing an executive order that restricts a person's rights or is found by the AG to be unconstitutional could result in a jeopardy of federal funds if a state agency, political subdivision, or employee of such agency or subdivision is prohibited from complying with federal guidance that derives from any such executive order.
- Due to multiple unknown factors, the timing and amount of any such jeopardy, or the specific funds that may be jeopardized cannot be determined with reasonable certainty.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Bojan Savic". The signature is written in a cursive, flowing style.

Bojan Savic, Interim Executive Director

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